

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 15, 2006

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning and Env. Resources

Staff Contact Person: Aref Joulani

AGENDA ITEM WORDING: A public hearing to consider a request for Administrative Relief from Constance Smith, Lot 20, Block 6, Buccaneer Point Subdivision, Key Largo, Real Estate Number 00496131.015100

ITEM BACKGROUND: A building permit and ROGO allocation were applied for on January 14, 2002 (Year 10, Quarter 3). The applicant applied for Administrative Relief on September 30, 2005 (Year 14, Quarter 1) and is within the allowable time frame to be eligible for Administrative Relief under Section 9.5-122.2(f) of the Monroe County Code.

Staff recommends that Administrative Relief be granted in the form of a dwelling unit allocation award.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes N/A No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** Year

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Ronda Norman, Acting Director of Growth Management

DOCUMENTATION: Included X

Not Required

DISPOSITION:

AGENDA ITEM #

RESOLUTION NO. -2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS **APPROVING** THE REQUEST
FOR ADMINISTRATIVE RELIEF MADE BY CONSTANCE
SMITH ON THE LOT DESCRIBED AS LOT 20, BLOCK 6,
BUCCANEER POINT, KEY LARGO, RE#00496131.015100.
THE RECOMMENDED RELIEF IS IN THE FORM OF A
DWELLING UNIT ALLOCATION

WHEREAS, Constance Smith submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) Section 9.5-120-140, Monroe County Code, in January of 2002; and

WHEREAS, based upon the Application for Administrative Relief, attachments thereto, Staff Report, recommendations and other materials, the Monroe County Board of County Commissioners makes the following Findings of Fact:

1. The property concerned is zoned Improved Subdivision (IS) and is located in the Buccaneer Point Subdivision, Lot 6, Block 20, Key Largo, Real Estate Number 00496131.015100.
2. The application of Constance Smith has been in the ROGO system for at least four (4) consecutive years.
3. The lot is not identified as being in the Conservation and Native Area (CNA), received no negative environmental points and one (1) positive environmental point.
4. The Board of County Commissioners Resolution 223-2004 directs staff to identify small parcels with indigenous hammock and pinelands for recommended purchase.
5. The subject property is not an area of indigenous hammock or pinelands.
6. The subject property, located in Buccaneer Point Subdivision, is not environmentally sensitive.
7. The applicant, Constance Smith, has applied for Administrative Relief under Section 9.5-122.2(f)(6) of the Monroe County Code and Policy 101.6.1 of the 2010 Comprehensive Plan.
8. The applicant has been in the ROGO system for three of the last four annual allocations periods and therefore qualifies for Administrative Relief.
9. The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands.
10. The property does not qualify as environmental sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Years 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

WHEREAS, the Monroe County Board of County Commissioners makes the following Conclusions of Law:

1. Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief.
2. The Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5-122.2(f)(6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate.
3. Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Administrative relief is granted to Constance Smith on Lot 20, Block 6, Buccaneer Point Subdivision in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 of the Monroe County Year 2010 Comprehensive Plan and as required by Section 9.5-122.2(f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation which closes April 13, 2006 (Quarter 3, Year 14) or such time as a residential allocation becomes available; and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2006.

Mayor Charles "Sonny" McCoy _____
Mayor Pro-Tem Murray Nelson _____
Commissioner Dixie M. Spehar _____
Commissioner George Neugent _____
Commissioner David P. Rice _____

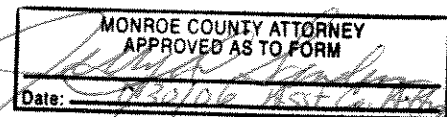
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Charles "Sonny" McCoy

(SEAL)

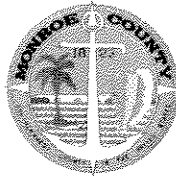
ATTEST: DANNY L. HOLHAGE, CLERK

DEPUTY CLERK



GROWTH MANAGEMENT DIVISION

88800 Overseas Highway
Tavernier, Florida 3300
Voice: (305) 852-7100
FAX: (305) 852-7103



BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
Dixie M. Spehar, District 1
George Neugent, District 2
David P. Rice, District 4

To: Board of County Commissioners

From: Aref Joulani, Acting Director
Department of Planning and Environmental Resources

Date: January 5, 2006

Subject: **Constance Smith Administrative Relief Request**

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) and is located in the Buccaneer Point Subdivision, Lot 6, Block 20, Key Largo, Real Estate Number 00496131.015100. The applicant purchased the property in August of 1999. The sale price is listed in the assessor's records as \$233,000.00. The current land value is listed in the assessor's records as \$206,914.00. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on January 4, 2002 (Year 10, Quarter 2). Permit #01-3-2060.

Permitting History:

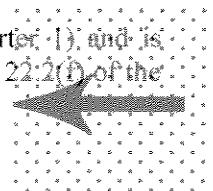
A building permit and ROGO allocation were applied for on January 14, 2002 (Year 10, Quarter 3). The application scored sixteen (16) points: ten (10) points from planning, five (5) points from the building department with six (6) points for building features and minus one (-1) point for construction in an AE-10 flood zone; and (1) point from environmental resources as the subject property was determined to be Habitat Protection Group 1, disturbed/scarified, by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores nineteen (19) points. The applicant will be awarded one more perseverance point at the end of the 3rd quarter of Year 14, April 13, 2006 for a total of twenty-three (20) points.

The property lies between two (2) developed lots with Florida Bay at the rear. This is the last undeveloped lot with frontage on Bounty Lane that has Bay access. There are a total of 11 vacant lots on Bounty Lane where the property is located, and a total of 23 vacant lots in the Buccaneer Point Subdivision. Five of these vacant lots are currently awaiting permits in the ROGO allocation system.

There have been forty (40) ROGO allocations granted in this subdivision, and another five (5) are currently in the system awaiting an allocation. A list of permits allocated and issued, along with the ROGO allocation year is attached as Appendix A.

The applicant applied for Administrative Relief on September 30, 2005 (Year 14, Quarter 1) and is within the allowable time frame to be eligible for Administrative Relief under section 9.5-122.2(d) of the Monroe County Code.



Development Potential:

Zoning – The property is zoned Improved Subdivision (IS) allows single-family residential dwellings and accessory uses. As an IS lot, it has no TDR value under the current code.

Future Lane Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Land Type – The property was given a point assignment of one (1) positive point for being in Habitat Group 1 which is defined in Section 9.5-122.3(7) and includes the following: Disturbed/scarified or disturbed with hammock or disturbed with exotics. This is the least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties – The subdivision is highly developed with few remaining vacant lots.

ROGO- The ROGO point system is designed to direct growth to protect natural resources and to encourage infill development of improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan which directs the County to protect natural resources, Land Development Regulations (LDRs) have been adopted that score minus ROGO points in environmentally sensitive lands. The subject lot received no negative points under Section 9.5-122.3 of the Land Development Regulations, and is not identified as being in the Conservation and Natural Areas (CNA).

Eligibility for Administrative Relief Options:

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 or the 2010 Comprehensive Plan provides a mechanism whereby an application which has not received an allocation award in ROGO may apply to the Board of county Commissioners for Administrative Relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

Relief Options under Administrative Relief:

The remedies available to an application for Administrative Relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened animal species. It therefore does not meet the criteria established under the existing Policy 101.6.6 and Policy 102.4.2, or the proposed Policy 101.6.5 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has requested administrative relief in the form of a granting of an allocation and has not expressed a desire to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

Staff Analysis:

The Growth Management Division has reviewed the application and recommends the award of a ROGO allocation to the applicant.

Findings of Fact:

1. The Constance Smith ROGO application for Lot 20, Block 6, Buccaneer Point Subdivision received no negative environmental points and one (1) positive environmental point; and
2. Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Land Development Regulations provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief; and
3. The applicant has been in the ROGO system for three of the last four annual allocations periods and therefore qualifies for Administrative Relief; and
4. The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
5. The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

Recommendation:

1. It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief as an award of a ROGO allocation in the next quarterly ROGO allocation period which closes April 13, 2006, or at such time as a ROGO allocation is available.

cc: Director of Growth Management
Mark Rosch, Monroe County Land Authority

APPENDIX A

ROGO ALLOCATIONS FOR BUCCANEER POINT SUBDIVISION

YEAR 1 – JULY 1992 – JULY 1993

92-3-6852
92-3-7401
92-3-8963
92-3-6850
92-3-0748
92-3-7048
92-3-7211
93-3-10293

YEAR 2 – JULY 1993 – JULY 1994

92-3-6853
93-3-11902
93-3-12304
93-3-11424

YEAR 3 – JULY 1994 – JULY 1995

94-3-0857
95-3-1191
93-3-11533

YEAR 4 – JULY 1995 – JULY 1996

NONE

YEAR 5 – JULY 1996 – JULY 1997

96-3-0436
96-3-0056
95-3-1949

YEAR 6 – JULY 1997 – JULY 1998

95-3-3421

YEAR 7 – JULY 1998 – JULY 1999

98-3-0989
98-3-1465
98-3-2553
98-3-0632
98-3-1463
98-3-1464
98-3-1465
98-3-1466

YEAR 8 – JULY 1999 - JULY 2000

00-3-2254
99-3-0392
99-3-1868
99-3-0082
99-3-0081
99-3-1120
99-3-1218
88-3-0831

YEAR 9 – JULY 2000 – JULY 2001

00-3-4234

YEAR 10 – JULY 2001 – JULY 2002

02-3-0765

YEAR 11 – JULY 2002 – JULY 2003

02-3-5298

YEAR 12 – JULY 2003 – JULY 2004

NONE

YEAR 13 – JULY 2004 – JULY 2005

NONE

YEAR 14 – JULY 2005 – JULY 2006

99-3-3568
99-4-3569



Administrative Relief for Constance Smith00496131.015100

Administrative Relief for J Smith Constance 00496131.015100



2005 Aerial Photos



This map is for Monroe County Growth Management Division purposes only. The data presented herein is illustrative only and may not accurately depict boundaries, parcels, roads, right of ways, or identification information.
Upper Keys Planning Department 2005



ONLINE DATA CENTER

RECORDS SEARCH

PROPERTY INFORMATION FOR:

Alternate Key: 1613819
RE Number: 00496131-015100

[Print](#)
[Search Again](#)
[Email office about AK: 1613819](#)

Property Details

OWNER OF RECORD

SMITH CONSTANCE JUNE
49 NORTH BOUNTY LANE
KEY LARGO FL 33037

PHYSICAL LOCATION

KEY LARGO

LEGAL DESCRIPTION

BK 6 LT 20 BUCCANEER POINT SUBDIVISION PB7-6 KEY
LARGO OR787-450 OR924-1028/1029 OR1127-1559/60(VC)
OR1595-1716(ND) OR1894-1584/85QC(CW)

SECTION, TOWNSHIP, RANGE

31 - 61 - 39

MILLAGE GROUP

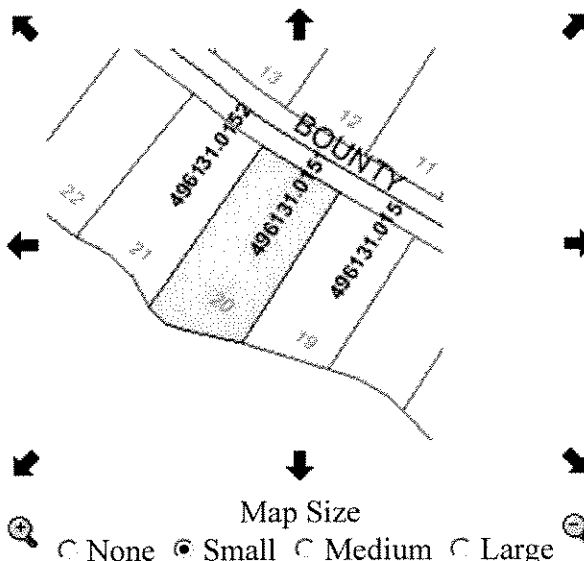
500K

[Estimate Taxes](#)

PC CODE

00 - VACANT RESIDENTIAL

PROPERTY MAP



Map Size
☐ None ☒ Small ☐ Medium ☐ Large

Land Details

LAND USE CODE

M10W - RES WATERFRONT

LAND AREA

14369 SF

Parcel Value History

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2005	0	0	206,914	206,914	0	206,914
2004	0	0	206,914	206,914	0	206,914
2003	0	0	206,914	206,914	0	206,914

Parcel Sales History

NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

SALE DATE

OFFICIAL RECORDS

PRICE

INSTRUMENT

BOOK/PAGE			
08/1999	<u>1595/1716</u>	233300	WD
06/1984	<u>924/1028</u>	105000	WD

[View Tax Collector Record](#)

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